

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention – Stage II Vapor Recovery Program

Customer Code # _____

Stage II Form D2

Alternative Annual In-Use Compliance Certification
(In-Use Compliance Testing Required)

A. Stage II System Documentation

1. Stage II System Location:

Name of facility where the Stage II System is installed

Facility address

City/town

State

Zip code

2. Stage II System Responsible Official #1 (point of contact for Stage II related correspondence):

Name of Stage II System Responsible Official

Telephone number

Mailing address

City/town

State

Zip code

3. Stage II System Responsible Official #2 (fill out only if applicable):

Name of Stage II System Responsible Official

Telephone number

Mailing address

City/town

State

Zip code

4. Stage II Annual Compliance Fee Billing Address:

Name of person to whom annual compliance fee is billed

Telephone Number

Name of company

Mailing address

City/town

State

Zip code

5. Stage II System Executive Order #: _____

6. Is any of the Stage II system documentation submitted in A. 1-5 above revised from the most recent Stage II system documentation submitted to DEP for this facility? ☐ Yes ☐ No

B. In-Use Compliance Testing and Submittal Requirements

1. Compliance Tests Required to be Performed and Passed:

Balance Type Stage II Systems: 1. Pressure Decay, 2. Vapor Tie, 3. P/V Relief Vent, 4. Dynamic Back Pressure/Liquid Blockage.

Assist Type Stage II Systems: 1. Pressure Decay, 2. Vapor Tie, 3. P/V Relief Vent, 4. Dynamic Back Pressure/Liquid Blockage, 5. Air-to-Liquid Ratio

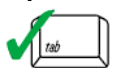
For **Healy** assist type Stage II systems only, the following additional tests must **also** be performed and passed: 1. Healy Fillneck Pressure test, 2. Healy Vapor Return Line test.

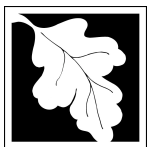
2. Testing and Submittal Dates:

The last date a fully completed Form D2 can be submitted to DEP, in compliance with program requirements, is the one-year anniversary of the postmarked-date on the envelope used to submit to DEP the applicable Stage II system's previous year's Form D1.

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





Stage II Form D2

Alternative Annual In-Use Compliance Certification
(In-Use Compliance Testing Required)

Section C is to
be completed by
the Compliance
Testing
Company only.

C. Compliance Testing Company Certification

1. _____
Name of Compliance Testing Company (please print)
2. DEP Stage II Compliance Testing Company ID #: _____
3. Installed Stage II System Executive Order #: _____
4. Are you in compliance with the requirements to confirm, prior to performing required in-use compliance tests, that all required above ground Stage II system components are installed and are the correct components in accordance with the system's currently applicable Executive Order?
☐ Yes ☐ No
5. How many gasoline storage tanks are associated with this Stage II System?
☐ One (*if one, skip to Question 6.*) ☐ Two or more (*if two or more, please answer the following question*)

For Stage II Systems associated with two or more gasoline storage tanks, are you in compliance with the requirement to confirm, prior to performing required compliance tests, that the gasoline storage tanks are properly manifolded in accordance with the system's currently applicable Executive Order?

☐ Yes ☐ No

6. Are you in compliance with the requirements to perform each in-use compliance test in accordance with the referenced test procedure?
☐ Yes ☐ No
7. For each applicable in-use compliance test, provide the:

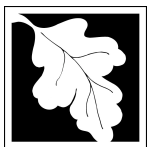
	date test first performed	results of the first test	date test performed & passed
a. Pressure Decay test	_____	pass/fail	_____
b. Vapor Tie test	_____	pass/fail	_____
c. P/V Relief Vent test	_____	pass/fail	_____
d. Dynamic Back Pressure/ Liquid Blockage test	_____	pass/fail	_____
e. Air/Liquid Volume Ratio test	_____	pass/fail	_____
f. Healy Fillneck Pressure test	_____	pass/fail	_____
g. Healy Vapor Return Line test	_____	pass/fail	_____

I certify that, **(a)** I have personally examined the foregoing and am familiar with the information contained in Section C. and all attachments and pertain to Section C., and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; and **(b)** I am fully authorized to make this attestation on behalf of this Stage II Compliance Testing Company.

Printed Name of Compliance Testing Company
Responsible Official

Signature of Compliance Testing Company
Responsible Official

Date



Stage II Form D2

Alternative Annual In-Use Compliance Certification
(In-Use Compliance Testing Required)

Section D is to
be completed by
the Stage II
System
Responsible
Official(s) only.

D. Stage II Facility Compliance Certification

1. Facility Operation, Maintenance and Record Keeping

- a. Are you in compliance with the requirements to correctly operate and maintain the Stage II system in accordance with the terms and conditions of the system's currently applicable Executive Order?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- b. Are you in compliance with the requirements to visually inspect the Stage II system every seven days to determine if any components are incorrectly installed, nonfunctioning or broken?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- c. Are you in compliance with the requirements to immediately remove from service incorrectly installed, nonfunctioning or broken components?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- d. Are you in compliance with the requirements to conspicuously post "Out of Order" signs on all incorrectly installed, nonfunctioning or broken components immediately upon being taken out of service?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- e. Are you in compliance with the requirements to re-install, repair or replace all incorrectly installed, nonfunctioning or broken components within 14 days of determination or to take such components out of service in accordance with the interim DEP policy on Dispensing of Gasoline Through A Stage II System With Defective Components?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- f. Are you in compliance with the requirements to correctly maintain on-site, all inspector training and Stage II system maintenance records?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- g. Are you in compliance with the requirements to perform all required in-use compliance tests?

☐ Yes

☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2

- h. Was each required in-use compliance test passed on the first try? ☐ Yes ☐ No

- i. If no, are you in compliance with the requirements to correctly repair the Stage II system and pass the applicable in-use compliance test(s) within 14 days of the date the system first failed the test(s)?

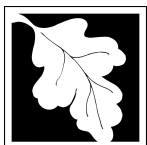
☐ Yes

☐ No (If no, see h.ii. below)

Stage II System Responsible Official attesting to compliance status

☐ #1

☐ #2



Stage II Form D2

Alternative Annual In-Use Compliance Certification
(In-Use Compliance Testing Required)

D. Stage II Facility Compliance Certification (cont.)

- h. i. If no, are you in compliance with the requirements to stop dispensing gasoline after 14 days from the date of the first failed test and to conspicuously post “Out of Order” signs on all gasoline dispensers, until the Stage II system was correctly repaired and passed the applicable in-use compliance test(s)?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status ☐ #1 ☐ #2

- i. Are you in compliance with the requirement to perform and pass all required in-use compliance tests within the 30 days prior to the date postmarked on the envelope used to submit this Form D2 to DEP?

☐ Yes ☐ No (If no, see D.2 below)

Stage II System Responsible Official attesting to compliance status ☐ #1 ☐ #2

2. Compliance Status and Actions to Ensure Future Compliance

For each program requirement answered “No” to in D1 above, please identify:

- the non-compliance attested to;
- the action(s) taken to return to compliance and date completed; and
- the action(s) taken to ensure future compliance and date completed.

Please print. If more space is needed, please use the back of this page or additional pages as necessary.

I certify that, where I have indicated that I am the Stage II System Responsible Official, **(a)** I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment; **(b)** systems¹ to maintain compliance are in place at the facility and will be maintained for the coming year even if the processes or operating procedures are changed over the course of the year; and, **(c)** I am fully authorized to make this attestation on behalf of the facility.

Printed name of Stage II System Responsible Official #1

Signature of Stage II System Responsible Official #1

Date

Printed name of Stage II System Responsible Official #2

Signature of Stage II System Responsible Official #2

Date

¹ For purposes of this statement, “systems to maintain compliance” means procedures that the Stage II facility owner and/or operator has established to ensure that weekly visual inspections and required tests are conducted, that broken or defective components are repaired, replaced or isolated and that required records are maintained.

Stage II Vapor Recovery Program Instructions for Completing Form D2

Stage II Form D2 Alternative Annual In-Use Compliance Certification **(In-Use Compliance Testing Required)**

These instructions have been designed to assist those who own and/or manage Stage II systems in completing forms required by the Department of Environmental Protection (DEP). Please refer to the full text of the Stage II Program regulations (310 CMR 7.00, Definitions, and 310 CMR 7.24(6), Dispensing of Motor Vehicle Fuel), which govern this Program. These instructions do not create any legal rights, and do not substitute for the Program regulations. To ensure that you are using the most current version of the Stage II forms and instructions, please call the Stage II Hotline (617/556-1035), or check the Stage II web page <http://mass.gov/dep/bwp/daqc/daqcpubs.htm#stageii>

When Is Form D2 Used? Form D2 is used to notify DEP that an installed Stage II system is operated and maintained in accordance with applicable program requirements and that all required in-use compliance tests have been performed and passed.

- Form D2 (and Form D1) may be used only for Stage II facilities for which the Department has received Form Cs in two consecutive years documenting that all applicable in-use compliance tests were passed on the first try.
- Eligible facilities electing to submit an Alternative Annual In-Use Compliance Certification (Form D1 and D2), are required to perform and pass applicable in-use compliance tests on an every other year basis.

In the second year that an Alternative Annual In-Use Compliance Certification is submitted, Form D2 must be submitted. **Applicable in-use compliance tests are performed and passed to complete this Form.** As long as the requirements for participation in the Alternative Annual In-Use Compliance Certification are met, Forms D1 and D2 will be used into the future on an alternating, every other year, basis.

What Time Period Does Form D1 Apply To? Form D2 applies to the period of time between the date on which the last Form D1 was submitted to DEP and the date the current Form D2 is submitted to DEP.

When is a Form D2 Submitted to DEP? Form D2 must be submitted to DEP by the one-year anniversary of the date postmarked on the envelope used to submit the facility's previous year's Form D1.

Who Must Sign Form D2? To ensure the entire Stage II system is installed, operated, and maintained in accordance with program requirements all questions contained in Section D (Stage II Facility Compliance Certification) must be completed by the person responsible for ensuring compliance for that aspect of Stage II program requirements. If only one person is responsible for all aspects of Stage II program requirements, then that person should fully answer all questions contained in Section D and sign Form C as Stage II System Responsible Official #1. If two people are responsible for different aspects of the Stage II program requirements, then each person must answer those questions contained in Section D for which he/she is responsible, and sign Form C as Stage II System Responsible Official # 1 or Stage II System Responsible Official #2, as identified in Section A. 2 and 3.

The Responsible Official must review all information about Stage II system compliance activities required by Form D2 (including backup information that provides the basis for answers to questions on this Form) to make sure that the information is true, accurate and complete. If more than one person has been designated as Responsible Official for a Stage II System, then each person needs to review the information appropriate to the question he or she is answering. The Responsible Official(s) can base his or her certification on an inquiry of the individuals responsible for obtaining information about applicable compliance activities. Stage II System Responsible Official #1 is the point of contact for Stage II-related communication with the Department.

Who is Eligible to be the Stage II System Responsible Official? The type of person who may serve as the Stage II System's Responsible Official depends on the type of entity that owns, operates, leases, or controls the system. The Responsible Official must be:

- In a sole proprietorship, the company's sole proprietor.
- In a partnership, a general partner with authority to bind the partnership.

- In a corporation or a non-profit corporation, a corporate official with authority to bind the corporation, e.g., president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision making functions of the corporation.
- In a municipality or other public agency, a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

Please note: Within a corporation or a municipality or other public agency, the Stage II System Responsible Official must have the authority to bind the organization with respect to Stage II systems for which he or she has been designated as “Stage II System Responsible Official”. For example, in a large corporation, a district manager may be designated to serve as the Responsible Official for one or several Stage II Systems, as long as the designee has obtained the needed authority from the corporation.

What Must the Stage II System Responsible Official Attest To? By signing Form D2, the Stage II System Responsible Official attests, for each aspect of Stage II program compliance he or she is responsible, that:

- he or she has personally examined, and is familiar with, the information contained in the form and all its attachments;
- based on his or her inquiry of the person(s) responsible for providing the information, the information to which he or she is attesting is true, accurate and complete;
- systems to maintain compliance are in place at the facility;

Please Note: For purposes of this statement, “systems to maintain compliance” means procedures that a Stage II facility owner and/or operator has established to ensure the weekly visual inspections and required tests are conducted, that broken or defective components are repaired, replaced or isolated and that required records are maintained.

- he or she is authorized to attest on behalf of the facility; and
- he or she is aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

How Should Form D2 be Submitted to DEP? Form D2, with all original signatures, must be mailed via the US Postal Service to:

Department of Environmental Protection
Bureau of Waste Prevention – Stage II Program
One Winter Street, 8th Floor
Boston, MA 02108

Please Note: faxes, other copies and hand-delivered forms will not be accepted.

Directions for Completing Form D2

Section A. Stage II System Documentation

For Section A1 – 4, please print the correct information in the space provided.

Section B. In-Use Compliance Testing Requirements

1. Compliance Tests Required To Be Performed and Passed.

- **Balance Type Stage II Systems:** 1. Pressure Decay, 2. Vapor Tie, 3. P/V Relief Vent, 4. Dynamic Back Pressure/Liquid Blockage.
- **Assist Type Stage II Systems:** 1. Pressure Decay, 2. Vapor Tie, 3. P/V Relief Vent, 4. Dynamic Back Pressure/Liquid Blockage, 4. Air-to-Liquid Ratio.

For Healy assist type Stage II systems only, the following test must also be performed and passed: Healy Fillneck Pressure test and Healy Vapor Return Line test.

Testing and Submittal Dates.

- The last day on which a completed Form D2 can be submitted to DEP in compliance with program requirements is the one-year anniversary of the postmarked date on the envelope used to submit the system’s last Form D1.
- A Form D2 can be submitted to DEP at any time prior to the one-year anniversary of the date on which the previous Form D1 was postmarked.

- All required Form D2 tests must be performed and passed during the 30 days prior to the date postmarked on the envelope used to submit this Form D2 to DEP. For example, if the date postmarked on the envelope used to submit Form D2 is June 10, 2001, then all required Form D2 tests must have been performed and passed no earlier than May 12, 2001. This requirement ensures that the test results reflect the current operating condition of the Stage II system.

There are situations where a system fails one or more of its compliance tests but cannot be repaired, retested and the Form fully completed and submitted to DEP within the 30-day window (e.g., due to a delay in obtaining a replacement part). In these cases, the compliance tests that cannot be passed within the 30-day window will need to be redone, to ensure that all tests are passed within the 30-day period.

Section C. Compliance Testing Company Certification

This Section must be completed by the Stage II compliance testing company and requires a signed certification by a Compliance Testing Company Responsible Official. The Compliance Testing Company Responsible Official is responsible for attesting only that the elements of Section C. and related attachments are complete and accurate.

Please Note: The Stage II System Responsible Official must ensure that all elements of Section C. are fully completed before submitting Form D2 to DEP.

Section D. Stage II Facility Compliance Certification

This Section must be completed by the Stage II System Responsible Official.

1. Facility Operation, Maintenance and Record Keeping

Check the appropriate box to answer each question:

2. Current Compliance Status and Actions to Ensure Future Facility Compliance

For each question answered “No” in D.1, please identify:

- the non-compliance attested to (for example, failed to correct damaged Stage II system components within required 14 days);
- the action(s) taken to return Stage II system to compliance (for example, called maintenance contractor to correct damaged equipment) and the date such actions were completed; and
- the action(s) taken to ensure future Stage II system compliance (for example, instituted a policy of maintaining replacement components on site for future repairs) and the date such actions were in place and operational.

If additional space is needed, please use additional pages as necessary.

3. Sign and date the form in the appropriate place as required.

Please Note: If the Stage II System Responsible Official identified in the pre-completed facility documentation has changed, the new Stage II System Responsible Official must sign the certification contained in Section D. of this Form D2.

If you have questions or need more information, please call DEP’s Stage II Hotline (617/556-1035). The Hotline can provide:

- Stage II facility information on record in the DEP Stage II database.
- Help with finding your Stage II System’s Executive Order number.
- A copy of your Stage II System’s Executive Order.
- Blank forms.
- DEP fact sheets, inspection checklists and compliance assistance materials.

Blank forms and instructions, and program regulations are also available at DEP’s Stage II web page <http://mass.gov/dep/bwp/daqc/daqcpubs.htm#stageii> Additional compliance assistance materials, fact sheets, inspection check lists, etc. will be posted there as they are developed.